

**RECEIVED
CENTRAL FAX CENTER**

JUL 21 2005

OFFICIAL

CARDINAL LAW GROUP

1603 Orrington Avenue/Suite 2000
Evanston, Illinois 60201
Telephone 847 - 905 - 7111
Facsimile 847 - 905 - 7113

Date: JULY 21, 2005

To: EXAMINER CHEA, PHILIP J.
U.S. PATENT AND TRADEMARK OFFICE

Fax #: (571) 273-8300

From: FRANK C. NICHOLAS
Phone #: (847) 424-2521

Client/Matter No.: AUS920000805US1 (9000/14)

of Pages: 18
(including cover sheet)

IF YOU HAVE ANY PROBLEMS RECEIVING THIS MESSAGE, PLEASE CALL 847/905-7111, Ext. 112 AND ASK FOR JENNIFER CRUZ

THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. IT MAY CONTAIN PRIVILEGED, CONFIDENTIAL, ATTORNEY WORK PRODUCT, OR TRADE SECRET INFORMATION WHICH IS EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAWS. IF YOU ARE NOT THE INTENDED RECIPIENT, OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE (AND ALL COPIES) TO US BY MAIL AT THE ABOVE ADDRESS. WE WILL REIMBURSE YOU FOR POSTAGE.

*Central fax
received 7/26/05*


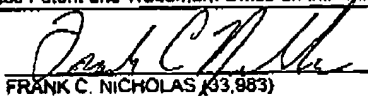
PTO/SB/21 (12-87), approved for use through 12/31/00. Copy 00510001. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE.
Under the Paper Reduction Act of 1996, no person is required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Attorney Docket No.	AUS920000805US1 (9000/14)
	Application Number	09/738,371
	Filing Date	DECEMBER 15, 2000
	First Named Inventor	FRANCK BARILLAUD
	Group Art Unit	2153
	Examiner	CHEA, PHILIP J.

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Response to Office Action Dated April 21, 2005 <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Status Letter <input type="checkbox"/> One-Month Petition for Extension of Time Request (dup) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Supplemental Information Disclosure Statement, PTO-1449, art <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Assignment Papers <input type="checkbox"/> Drawings <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Petition Raising Stp (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Express Abandonment Under 37 CFR 1.138 <input type="checkbox"/> Request of Refund	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Post Card Receipt <input type="checkbox"/> Additional Enclosure(s) (please identify below) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 09-0447 (IBM Corporation). A duplicate copy of this sheet is enclosed.		
<input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 09-0447 (IBM Corporation). A duplicate copy of this sheet is enclosed.		

CALCULATION OF FEE

				Small Entity		Large Entity			
	Claims After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus		0	x \$25=	0		x \$50=	
Indep.		Minus		0	x \$100=	0		x \$200=	
First Presentation of Multiple Dep. Claim					+ \$180=	—		+ \$360=	
					total add'l fee	\$ 0		total add'l fee	\$ 0

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or individual name	FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201		
Signature			Date: July 21, 2005
CERTIFICATE OF FACSIMILE			
I hereby certify that this correspondence is being transmitted via facsimile to (571) 273-8300 to the United States Patent and Trademark Office on this date:			July 21, 2005
Signature	 FRANK C. NICHOLAS (33,983)		Date: July 21, 2005

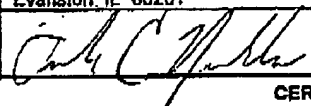
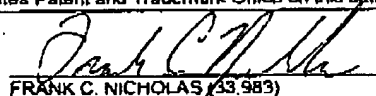
PTO Form 1 (12-07), Approved for use through 10/30/00. One 001-001 Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE
 under the Paper Reduction Act of 1992, no fee is required to reproduce a copy of this form unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Attorney Docket No	AUS920000805US1 (9000/14)
	Application Number	09/738,371
	Filing Date	DECEMBER 16, 2000
	First Named Inventor	FRANCK BARILLAUD
	Group Art Unit	2153
	Examiner	CHEA, PHILIP J.

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Response to Office Action Dated April 21, 2005 <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Status Letter <input type="checkbox"/> One-Month Petition for Extension of Time Request (dup) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Supplemental Information Disclosure Statement, PTO-1449, an <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Assignment Papers <input type="checkbox"/> Drawings <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Petition Rounding Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Express Abandonment Under 37 CFR 1.138 <input type="checkbox"/> Request of Refund	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Post Card Receipt <input type="checkbox"/> Additional Enclosure(s) (please identify below). <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 09-0447 (IBM Corporation). A duplicate copy of this sheet is enclosed.		
<input checked="" type="checkbox"/> I hereby petition under 37 CFR 5.1136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 09-0447 (IBM Corporation). A duplicate copy of this sheet is enclosed.		

CALCULATION OF FEE

				Small Entry		Large Entry			
	Claims After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus		0	x \$25=	0		x \$50=	
Indep.		Minus		0	x \$100=	0		x \$200=	
First Presentation of Multiple Dep. Claim					+ \$180=	—		+ \$350=	
					total add'l fee	\$ 0		total add'l fee	\$ 0

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201		
Signature		Date	July 21, 2005
CERTIFICATE OF FACSIMILE			
I hereby certify that this correspondence is being transmitted via facsimile to (571) 273-8300 to the United States Patent and Trademark Office on this date:			July 21, 2005
Signature		Date	July 21, 2005
FRANK C. NICHOLAS (33,983)			

**RECEIVED
CENTRAL FAX CENTER****JUL 21 2005**

Certificate of Facsimile
I hereby certify that this correspondence is being transmitted via
Facsimile to (571) 273-8300 to the United States Patent and
Trademark Office, on this date JULY 21, 2005

(Date of Transmission)

FRANK C. NICHOLAS (33,983)
Name of Applicant, assignee or Registered Representative

Frank C. Nicholas
Signature

JULY 21, 2005
Date of Signature

PATENT
Case No.: AUS920000805US1
(9000/14)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

FRANCK BARILLAUD, ET AL.

Serial No.: 09/738,371

Filing Date: DECEMBER 15, 2000

For: METHOD AND SYSTEM FOR
OPTIMALLY ALLOCATING
A NETWORK SERVICE

Examiner: CHEA, PHILIP J.

Group Art Unit: 2153

RESPONSE TO OFFICE ACTION DATED APRIL 21, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22202-1450

Dear Sir:

In response to a Non-Final Office Action dated April 21, 2005, please consider
the following for the above-identified application:

July 21, 2005
Case No.: AUS920000805US1 (9000/14)
Serial No.: 09/738,371
Filed: December 15, 2000
Page 2 of 15

INTRODUCTORY COMMENTS

The present amendment replies to an Office Action dated April 21, 2005. Claims 1, 2, 4-12, and 14-20 are currently pending in the present application. Examiner Chea rejected claims 1, 2, 4-12, and 14-20.

In the Office Action, Examiner Chea asserted the following actions to pending claims 1, 2, 4-12, and 14-20:

- A. Claims 4-5 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter Applicant regards as the invention
- B. Claims 1, 2, 4-12 and 15-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Anerousis (U.S. Patent No. 6,760,775) in view of Liron (U.S. Patent No. 5,598,532)
- C. Claims 14 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Anerousis in view of Liron and in further view of Johnson (U.S. Patent No. 6,078,946)

The Applicants respectfully request reconsideration and further examination of the present application under 37 CFR § 1.112.